

Case 7546M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
David S. Dunlop et al. :
Serial No. 09/558,465 : Group Art Unit: 1615
Filed: April 25, 2000 : Examiner: Sheikh, Humera N
Title: SHAMPOOS PROVIDING A SUPERIOR COMBINATION OF ANTI-DANDRUFF
EFFICACY AND CONDITIONING

DECLARATION OF DAVID S. DUNLOP UNDER 37 CFR 1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22312-1450

Dear Sirs:

I, David S. Dunlop, hereby declare and say the following:

1. I have been a full-time employee of The Procter & Gamble Company since 1991, and my current position with the company is Principle Scientist, Global Beauty Care.
2. I am one of the named inventors on the above-entitled application and am familiar with the February 10, 2003 Office Action in that application.
3. The claimed invention in the above-entitled application:
A shampoo composition comprising:
 - a) from about 5% to about 50%, by weight, of an anionic surfactant;
 - b) from about 0.01% to about 10%, by weight, of a non-volatile conditioning agent;
 - c) from about 0.1% to about 4%, by weight, of an anti-dandruff particulate;
 - d) from about 0.02% to about 5%, by weight, of a cationic polymer;
 - e) water;
 - f) from about 0.1% to about 10%, by weight of the composition, of a suspending agent;

wherein said composition:

- i. has a bioavailability/coverage index value, of at least about 1.25;
 - ii. has a first conditioning index value, of less than or equal to about 1.0;
 - iii. has a second conditioning index value, of at least about 1.5; and
 - iv. has a minimal inhibitory concentration index value, of at least about 0.125.
4. Under my direction, tests were performed to evaluate the bioavailability/coverage index and separately the second conditioning index for shampoo compositions. The methods used to

evaluate the products are as listed in present above titled application, under Analytical Methods in the Specification, beginning on page 41. Each of these formulas was being evaluated toward the objectives outlined in the application. Results from the testing show that surprisingly not all of the formulas met the criteria outlined for bioavailability/coverage index and second conditioning index.

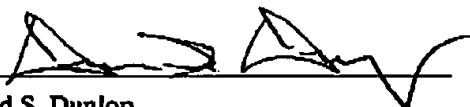
Formula A is representative of the present invention, Formula B is representative of another conditioning shampoo and Formula C is representative of a formula similar to that disclosed in Ramachandran et al (WO 96/29983).

Table 1

	Formula A	Formula B	Formula C
Bioavailability/coverage index	Yes	No	Yes
Second Conditioning Index	Yes	No	No

5. Formula A meets the required criteria for the present invention for both the bioavailability/coverage index and second conditioning index. Formula B meets none of the criteria for either the bioavailability/coverage index or second conditioning index. Formula C meets the criteria for the bioavailability/coverage index, but does not meet the criteria for the second conditioning index. Thus, only Formula A, representative of the present invention, meets both criteria as specified by the present invention.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18, of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application of any patent issued thereon.


David S. Dunlop
Dated: 11 August 03

18 U.S.C. §1001 Statements or Entries Generally

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry shall be fined no more than \$10,000 or imprisoned not more than five years, or both.